

EXHIBIT 4

1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 -----X
4 DARRYL CHALMERS, DARREN CONNORS, GLENN MENDEZ, JAMES NOVA,
5 and FATIMA Q. ROSEMOND, on behalf of themselves and all
6 others similarly situated, and AFSCME DISTRICT COUNCIL 37
7 LOCAL 2507, on behalf of its members,

PLAINTIFF,

-against-

Case No:
20 Civ. 3389
(AT) (GWG)

8
9 CITY OF NEW YORK,

10 DEFENDANT.

11 -----X
12
13 DATE: April 15, 2021
14 TIME: 10:04 A.M.
15

16 DEPOSITION of one of the Plaintiffs, JAMES
17 NOVA, taken by the Defendant(s), pursuant to a Court Order
18 and to the Federal Rules of Civil Procedure, held via Zoom
19 videoconference on the above date and time, before Deborah
20 Ciani Antignano, a Notary Public of the State of New York.
21
22
23
24
25

J. DOE - CONFIDENTIAL

1 Q. For approximately how long?

2 A. Five months.

3 Q. When was that?

4 A. 2015.

5 Q. Was there a reason for moving there?

6 A. Just to try a new life. See how it is.

7 Q. While you were living in New York State have you
8 always lived in New York City?

9 A. Yes.

10 Q. What are the last four digits of your Social
11 Security number?

12 A. 6950.

13 Q. Have you ever used any other Social Security
14 number?

15 A. No.

16 Q. What race or ethnicity do you self identify as?

17 A. Hispanic.

18 Q. Have you always identified that way?

19 A. Yes.

20 Q. When was the last time you recall being asked to
21 self identify your race on any forms connected to your City
22 employment?

23 A. When I applied for a job.

24 Q. When was that?

25 A. 2017.

J. NOVA

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1 Q. How long were you there?

2 A. For like, maybe, three months.

3 Q. What year are we in now?

4 A. 2016.

5 Q. What was your next job after that?

6 A. NYPD.

7 Q. How long were you there?

8 A. Almost three years.

9 Q. What was your job title there?

10 A. Police Administrative Aide.

11 Q. What was your salary?

12 A. Ended at like 41,000.

13 Q. Did you get any promotions while you were there?

14 A. No.

15 Q. After your job with the NYPD what was your next
16 job?

17 A. FDNY.

18 Q. What was your title when you first started at the
19 FDNY?

20 A. Fire Protection Inspector.

21 Q. When did you start as a Fire Protection
22 Inspector?

23 A. November 2018.

24 Q. What is your current civil service title?

25 A. Fire Protection Inspector.

J. NOVA

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1 A. Okay.

2 Q. Do you know that this lawsuit is a potential
3 Class Action?

4 A. Yes.

5 Q. What is your understanding of what a Class Action
6 means?

7 A. I will leave that to my attorney.

8 Q. It's not sort of a legal conclusion. I'm just
9 trying to understand how you understand your role
10 essentially.

11 A. As a representative.

12 Q. Right. And you're a named plaintiff, correct?

13 A. Yes.

14 Q. And you understand that you'll be representing
15 potential hundreds of other plaintiffs as well?

16 A. Correct.

17 Q. Have you ever done that before?

18 A. No.

19 Q. What is your understanding about the other people
20 that you might be representing?

21 A. I'm representing Fire Protection Inspectors,
22 Associate Fire Protection Inspectors, and I'm representing
23 on their behalf. So my goal is to be fair. It's not only
24 about me. It's also about them.

25 Q. Do you know of any reason that you should not be

J. NOVA

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1 a class representative?

2 A. No.

3 Q. Is there anything that would make it difficult
4 for you to be a class representative?

5 A. No.

6 Q. Have you ever discussed with anyone, other than
7 your lawyers, whether you should represent other members of
8 this class?

9 A. Other members of this class, just my union
10 representative.

11 Q. And you said earlier that that is Darryl
12 Chalmers?

13 A. Correct.

14 Q. When did you have that conversation with him?

15 A. 2020. I can't remember the exact month.

16 Q. Was anybody else present during that
17 conversation?

18 A. No.

19 Q. What generally did you talk about?

20 A. Well, the Class Action lawsuit. That's how I
21 heard about it.

22 Q. What was Mr. Chalmers telling you about the
23 lawsuit?

24 A. Just asking me if I was interested in joining as
25 a representative of the lawsuit.